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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,803	04/30/2001	Eldad Zeira	1-2-162,1US	3229
24374	7590	08/13/2010	EXAMINER	
VOLPE AND KOENIG, P.C.			JAIN, RAJ K	
DEPT. ICC			ART UNIT	PAPER NUMBER
UNITED PLAZA				2472
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PHILADELPHIA, PA 19103				
NOTIFICATION DATE		DELIVERY MODE		
08/13/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

coffice@volpe-koenig.com  
hrivera@volpe-koenig.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/845,803	<b>Applicant(s)</b> ZEIRA ET AL.
	<b>Examiner</b> RAJ K. JAIN	<b>Art Unit</b> 2472

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed if:
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 June 2010.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 31-36 and 40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 31-36 and 40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 May 2000 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-640)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31, 34 and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject claim(s) recite the feature of "for the entire CCTrCH" which is not disclosed in the drawings and/or specification and therefore is considered as "new matter" and rejected accordingly under 35 U.S.C. 112. Examiner suggests deletion of the new matter from the subject claim(s).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miya et al (US 200200161) in view of Endo et al (US006035210A).

Regarding claims 31, 34 and 40 Miya discloses a means, method and apparatus for downlink power control for use in a spread spectrum time division communication system having time slots for communication (see Fig. 1, paras 0009 and 0020) comprising:

-at a user equipment, receiving a CCTrCH over a plurality of time slots and transmitting a single power command to a base station in response to a signal to

interference ratio of the received CCTrCH (see Figs 2 and 5, paras 0009, 0058-0060, the mobile stations receives the signal via the control channel from the base station and transmits a TPC (power control) signal to the base station based on SIR measurements from the previous time slot. Figs. 2 & 5, disclose transmission and reception intervals of a mobile station in a communications system with plurality of time slots being either transmitted or received.);

-a transmission power level for each time slot of the plurality of time slots is set individually in response to the interference power measurement for that time slot and the single power command (see Figs 2 and 5, paras 0009, 0058-0060, the mobile station performs the SIR measurements for each time slot from a plurality of time slots individually and transmits a TPC signal (Di) back to the base station to increase or decrease downlink power transmission in the next time interval sequence).

Miya fails to disclose the user equipment sending interference power measurements to the base station.

Endo discloses the user equipment sending interference power measurements to the base station (see col 2 lines 17-22, col 10 lines 39-53).

Sending interference power measurements to the base station improves reception qualities for all users within a cell by minimizing the transmit power from the base station to the mobiles and therefore reducing overall network interference to each end user.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Endo within Miya of sending interference power measurements to the base station so as to improve reception qualities for all users within a cell by minimizing the transmit power from the base station to the mobiles and therefore reducing overall network interference to each end user.

Regarding claims 32, and 35 Miya discloses the use of time slots/frames for transmission of power control (see para 0009, 0058-0060 and Fig 5). Miya discloses the TDD frame format by time dividing the radio frequency and representing the

timeslots with transmission timing "i" where  $i=0,1,\dots$  representing the individual slots. The mobile station (MS) power control is based on the SIR measurements carried out by the MS for each timeslot "i".

Regarding claims 33, and 36 Miya discloses calculating interference power measurements for each timeslot based on the downlink reception data at the mobile station (see paras 0025, 0058-0060, Fig 5).

***Response to Arguments***

Applicant's arguments with respect to claims 31-36 and 40 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJ K. JAIN whose telephone number is (571)272-3145. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Raj K. Jain/*

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